

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GAIL GALLOWAY	:	
Plaintiff	:	
	:	
v.	:	No. 1:00-CV-00649
	:	
PENNSYLVANIA BOARD OF	:	Judge Rambo
PROBATION AND PAROLE, <i>et al.</i> ,	:	
Defendants	:	Magistrate Judge Smyser

MOTION FOR A SHORT ENLARGEMENT OF TIME IN WHICH
TO RESPOND TO THE FIRST AMENDED COMPLAINT

Defendants Joseph Smith, Daniel Roberts, George Johnson, Charles B. Giornesto and William Ward,¹ by their attorneys, ask the Court for a short additional enlargement of three days to file responses to the plaintiff's first amended complaint. In support they supply the following information.

1. Plaintiff's First Amended Complaint consists of 43 pages of allegations.

¹Plaintiff has told counsel that these five defendants (of the original thirteen Commonwealth defendants) are the only ones he believes are liable to him for his arrest on June 1, 1998.

2. The remaining claim on remand from the Court of Appeals regards only plaintiff's arrest on June 1, 1998.
3. Defense counsel was out of the office on Thursday, April; 15, 2004, during which date a hearing on a preliminary injunction in another case assigned to counsel was scheduled in Philadelphia for Monday, April 19, 2004. Counsel learned of the hearing only Friday, April 16, 2004, upon returning to work.
4. Counsel spent all of Friday and the entire weekend preparing for the PI hearing.
5. The hearing, which was scheduled to begin at noon, concluded a little after 3 PM, yesterday.
6. Counsel was in a training session all of this morning.
7. Defense counsel started to prepare the answer but review of the files and his interview of one client to respond to the complaint have been taking too long to properly respond to the First Amended Complaint, by the end of today. He anticipates bneing able to file responses to the amended complaint by this Friday, April 23, 2004.
8. Plaintiff has graciously concurred in this motion.

WHEREFORE, defendants Joseph Smith, Daniel Roberts, George Johnson, Charles B. Giornesto and William Ward request until Friday, April 23, 2004, to file

responses to the Amended Complaint.

Respectfully submitted,

GERALD J. PAPPERT
Attorney General

BY: s/ Francis R. Filipi
FRANCIS R. FILIPI
Senior Deputy Attorney General
Attorney ID# 18630

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY
GENERAL
Litigation Section
15th Floor, Strawberry Square
Harrisburg PA 17120
E-Mail:
ffilipi@attorneygeneral.gov
Direct Dial: (717) 787-3874
FAX: (717) 772-4526

Counsel for Defendants Joseph
Smith, Daniel Roberts, George
Johnson, Charles B. Giornesto and
William Ward

DATE: April 20, 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GAIL GALLOWAY

Plaintiff

v.

PENNSYLVANIA BOARD OF
PROBATION AND PAROLE, *et al.*,

Defendants

:
:
:
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:
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No. 1:00-CV-00649

Judge Rambo

Magistrate Judge Smyser

CERTIFICATE OF CONCURRENCE

I, FRANCIS R. FILIPI, hereby certify that concurrence in the Motion for an
Enlargement of Time in Which to Respond to the Amended Complaint was sought
from plaintiff and he has concurred.

s/ Francis R. Filipi

FRANCIS R. FILIPI

DATED: April 20, 2004

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GAIL GALLOWAY	:	
Plaintiff	:	
	:	
v.	:	No. 1:00-CV-00649
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PENNSYLVANIA BOARD OF	:	Judge Rambo
PROBATION AND PAROLE, <i>et al.</i> ,	:	Magistrate Judge Smyser
Defendants	:	

CERTIFICATE OF SERVICE

I, FRANCIS R. FILIPI, Senior Deputy Attorney General, hereby certify that on this 20th day of April 2004, I caused to be served a copy of the foregoing Motion for an Enlargement of Time to Respond to the Amended Complaint, by depositing a copy in the United States Mail, postage prepaid, first class, in Harrisburg, PA, addressed to the following:

Gail Galloway
R.D. #1, Box 30
Petersburg, PA 16669

Plaintiff

s/ Francis R. Filipi
FRANCIS R. FILIPI
Senior Deputy Attorney General